
Status & Remarks

The application presently contains the following claims:

<i>Independent Claim #</i>	<i>Dependent Claim #s</i>
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21

1-20, 22

Claims 1, 7 and 16 are amended in this response. Claims 21-22 are newly added. Support for the newly added claims may be found with reference to the originally submitted figures and associated text, particularly paragraphs [0061] through [0063].

35 U.S.C. §121 Restriction Requirement

The examiner has identified two patentably distinct species of the claimed invention, namely

Species A Claims 1-6, drawn to a method of joining tubes by constricting the outer annulus, classified in class 29, subclass 508; and

Species B Claims 7-20, drawn to a method of joining tubes by expanding the inner annulus, classified in class 29, subclass 509.

In a telephone conversation with the examiner, the applicant's attorney elected Species B without traverse. This election is affirmed.

The examiner additionally represented that currently there is no generic claim. By amendment, the applicant's attorney has submitted a generic claim #21 which reads on both species identified by the examiner, yet defines in a patentable manner over the Prior Art identified. The applicant's attorney would respectfully request that the examiner evaluate this generic claim, and the additional species which are written in dependent form.

Currently, the following claims read upon the associated species.

<i>Specie</i>	<i>Claim #s</i>
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A

21, 1-6

B

21, 22, 7-20

35 U.S.C. §102

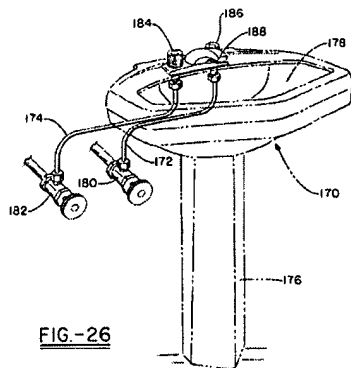
The examiner has rejected claims 7-20 under this section, subparagraph (b) as being anticipated by Rowley (USP 5,861,200). The applicant's attorney would respectfully request the examiner to reevaluate this initial position in light of the following arguments and amendments which have been made to the claims.

First, it should be noted that the Rowley '200 patent teaches the value of an all-plastic conduit which is encased by thin-walled copper tubing in which at least one end of the tubing has been processed, e.g., to form sealing surfaces as illustrated by molded end cap 80 shown in FIGS. 7-10 or to form belled ends as illustrated by belled end 75 in those same figures.

However, the Rowley '200 patent does not disclose any connecting means which requires insertion into one end of the

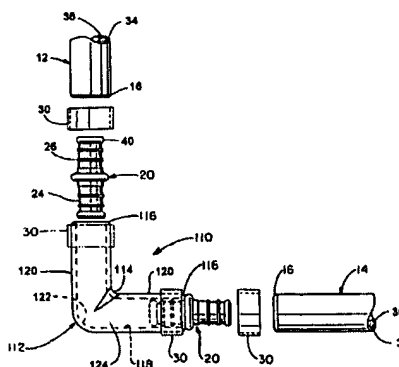
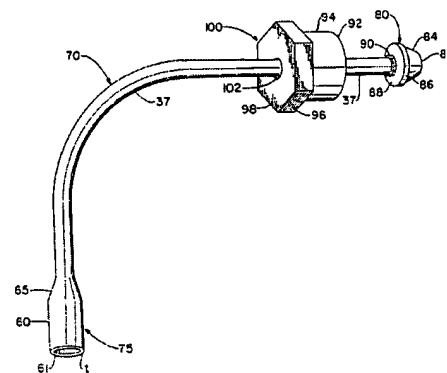
polymeric tube. In fact, the metallic enclosed

polymeric tubes are not designed for connecting to each other. This is clearly shown in FIG. 26 of the patent. The goal of these tubes was to be able to form geometric input water lines for pedestal sinks. It utilizes conventional compression fittings (118) (e.g., brass O-rings or ferrules) to effect sealing engagement with a fixture. The tubes are NOT intended to be linked together, nor is this taught.



Only the current invention illustrates the use of various connector inserts (e.g., 20) which are optionally incorporated into a connector fitting (e.g., 158) and which are held into the inner polymeric tube by copper or brass or other metallic crimp ring (30) to effect the leak-proof engagement by radial compression on the outer metallic tube thereby in turn effecting radial compression by the inner polymeric tube on the at least partially inserted connector insert.

There is no teaching in Rowley '200 as to how this may be done and the patent no longer serves as an anticipatory reference to the pending claims as amended.



Request for Reconsideration

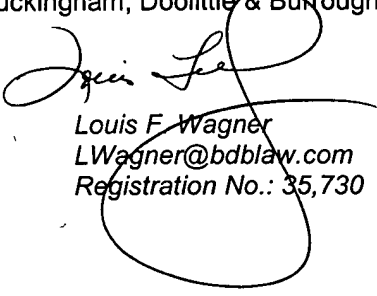
Applicant believes that all independent claims clearly define over the prior art and that the distinctions between the present invention and the prior art would not have been obvious to one of ordinary skill in the art. Additionally, the remaining dependent claims, by the limitations contained in the base independent claims, are felt to be patentable over the prior art by virtue of their dependency from independent claims which distinguish over the prior art of record. All pending claims are thought to be allowable and reconsideration by the Examiner is respectfully requested.

It is respectfully submitted that no new additional searching will be required by the examiner. A fee determination sheet is attached for this amendment response. The Commissioner is hereby authorized to charge any additional fee required to effect the filing of this document to Account No. 50-0983.

It is respectfully submitted that all references identified by the examiner have been distinguished in a non-obvious way. If the examiner believes that a telephonic conversation would facilitate a resolution of any and/or all of the outstanding issues pending in this application, then such a call is cordially invited at the convenience of the examiner.

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Respectfully Submitted,
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